

REMARKS

Claims 1-28 are the claims currently pending the Application.

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Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Further, Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on November 8, 2001 and July 31, 2003.

Rejection of Claims 1-4, 9-12, 17-19 and 23-25 under 35 U.S.C. § 103

Claims 1-4, 9-12, 17-19 and 23-25 are rejected under 35 U.S.C. § 103 as being obvious from Valentine et al., U.S. Patent No. 6,011,973 in view of Steer, U.S. Patent No. 6,643,517. This rejection is traversed.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor rendered obvious from the cited references, including Valentine and Steer. By way of example, independent claim 1, 9, 17, and 23 require a controller in a cellular phone which receives from a base station second data indicating where the cellular phone is.

Valentine discloses restricting the operation of cellular telephones for well delineated geographical areas using a cellular phone that has a locating device to ascertain the location of the cellular phone (Valentine, col.1, lines 54-67). The Examiner acknowledges that Valentine fails to disclose that the controller receives from a base

station the second data which indicates where the cellular phone is (Office Action, page 3), as *inter alia*, required by independent claims 1, 9, 17, and 23. However, the Examiner alleges that Steer discloses these features.

Steer discloses preventing undesirable radio transmissions from mobile telephones (Steer, Abstract), such that a base station broadcasts controls signals, including base station location information (Steer, col. 5, lines 40-50), and that upon receipt of the broadcasted control message from the base station, the mobile station determines its location using known techniques (Steer, col. 6, lines 17-24, underline added). Figure 3, box 37 also shows that each mobile radio receives the broadcast signals and determines its own geographic location (Steer, col. 7, lines 33-37).

The Examiner cites Steer, col. 9, lines 36-43. This passage discloses that the base station may broadcast certain types of GPS information to assist the mobile in determining its own location. Steer discloses that such GPS information may include the time and currently available GPS satellite. Note that Steer is directed to the base station broadcasting its own location information to mobile terminals; broadcasts may tend to imply that Steer discloses that each mobile terminal may then have to determine its own location based on the broadcast signals received. Steer does not disclose or suggest a controller in a cellular phone which receives from a base station second data indicating where the cellular phone is.

Therefore, Valentine and Steer, even taken together in combination, do not disclose or suggest the cited feature of independent claims 1, 9, 17, and 23. Claims 2-4, 10-12, 18-19 and 24-25 depend from independent claims 1, 9, 17, and 23, respectively, and thus incorporate novel and nonobvious features thereof. Therefore, claims 2-4, 10-

12, 18-19 and 24-25 are patentably distinguishable over the prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art.

Further, it is respectfully submitted that Applicant's claimed invention would not have been obvious to a person of ordinary skills in the art based on Valentine and Steer. Steer discloses that preferably the mobile radio determines its own location based on the receipt of the dialing signal from the base station (since the mobile station may be in a fully protected zone and therefore may not be allowed to transmit). (Steer, col. 9, lines 1-5). Steer states "the calculation of the location of the mobile based on the measurements (of downlink signals) is done locally in the mobile" (Steer, col. 9, lines 5-8). Therefore, Steer actually teaches away from a cellular phone including a controller that receives second data indicating where said cellular phone is, as claimed by Applicant's invention. Accordingly, this rejection should now be withdrawn.

Rejection of Claims 5-8, 13-16, 20-22 and 26-28 under 35 U.S.C. § 103

Claims 5-8, 13-16, 20-22 and 26-28 are rejected under 35 U.S.C. § 103 as being obvious from Steer. This rejection is traversed.

Independent claims 5, 13, 20 and 26 require, *inter alia*, a controller in a cellular phone which receives from a base station second data indicating where the cellular phone is.

As discussed, Steer does not disclose or suggest this feature. Therefore, Steer does not disclose or suggest the recitations of independent claims 5, 13, 20 and 26.

Claims 6-8, 14-16, 21-22 and 27-28 depend from independent claims 5, 13, 20 and 26, respectively, and thus incorporate novel and nonobvious features thereof.

Therefore, claims 6-8, 14-16, 21-22 and 27-28 are patentably distinguishable over the prior art for at least the reasons that their respective base claims are patentably distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



George Brieger
Registration No. 52,652

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 Ext. 503

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